

Claim 22 (original). The sweetener of Claim 21 for the sweetening of a product selected from the group consisting Of ice cream, baked goods, candy, and beverages.

Amend Claim 30 as follows:

Claim 30 (Amended) . A new Low Carbohydrate - - powdered -- sweetener comprising the following ingredients in wt. % .

<u>Ingredient</u>	<u>Range</u>	Delete ((Best Mode))
Lo Han Kuo Extract -- <u>Powder</u> --	45.6 - 45.8	Delete ((45.7))
Sucralose Powder	54.4 - 54.2	Delete ((54.3))

Claim 31 (previously presented) A low carbohydrate powdered sweetener having a weight ratio in the range of :

<u>Lo Han Kuo Extract Powder</u>	=	0 . 81 to 0 . 84
Sucralose Powder		

Cancel Claim 32

DISCUSSION OF CLAIMS:

Claims 21 and 30 have been amended to delete the Best Mode Column i.e. 45.7 and 54.3 , in order to overcome the Examiner's rejection under 35 USC Sec. 112. In addition, Claim 30 has been amended to include the words "powdered" and " Powder ", respectively , in lines 1 and 4 . This does not constitute new matter since Lo Han Kuo Extract is provided as a powder . See US 2007/0098867 A1 Para. 0013 lines 3 and 4 which states that Lo Han Kuo is provided as a powdered extract. Claim 32 has been cancelled . Applicant's powdered sweetener is effective without the addition of a bulk sweetener , as required by the reference Nestelle .

Claims 21, 22, 30, and 31 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Nestelle (WO 01/28357 A2) as evidenced by China (China Natural Products Group inc. , Lo Han Kuo Extract from Fresh Fruit page 1) . The reference Nestelle teaches the combination of a traditional bulk sweetener with an intense sweetener. In contrast, there are now no bulk sweeteners in applicant's claims. Further, while Nestelle provides long lists of bulk sweeteners and long lists of intense sweeteners , there is no examples of applicant's mixture of powdered sweeteners consisting of Lo Han Kuo Extract powder and Sucralose powder, as specified . Applicant's improved powdered sweetener provides a clean sweet taste with no aftertaste .

Claims 21, 22, 30 , and 31 were rejected on the ground of nonstatutory obvious – type double patenting over claims 1 - 3 of U. S. Patent No. 6,773, 743 B1 . The subject U.S. patent application 10/559, 851 and U.S. Patent 6, 773,743 B1 are commonly owned by applicant. Accordingly, the Terminal Disclaimer on page 4 , in compliance with 37 CFR 1.321 (c) , is respectfully submitted herewith, to overcome the nonstatutory double patenting rejection.